

Docket No.: 08212/0200260-US0

REMARKS

This amendment is in response to the Office Action dated September 23, 2004. Claims 1, 2, and 5 have been amended and claims 6-11 have been added. Accordingly, claims 1-11 are pending. No new matter has been added and none of the originally filed claims have been narrowed by any of the amendments presented herein. The specification has been amended for typographical and consistency reasons. No new matter has been added by these amendments.

§112 Rejection

Claim 5 is rejected under 35 U.S.C. §112, second paragraph, as indefinite. More specifically, the Action finds that “the first timing signal” lacks antecedent basis. Claim 5 has been amended to provide antecedent basis. Accordingly, the Applicant requests withdrawal of this rejection.

§102 Rejection

Claims 1-5 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,577,075 to Cotton et al. (hereinafter “Cotton”). The Applicant traverses this rejection.

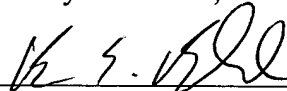
In particular, Cotton does not teach or suggest a system or method in which gradual phase alterations or gradual phase shifts are made to a second timing signal until first and second timing signals are in-phase, as recited in independent claims 1 and 5. Cotton teaches that “the phase of the VCXO 100 will be locked to the phase of the input signal and will follow any variations in the input phase.” (Col. 11, lines 38-40.) There is no support in Cotton that this disclosure teaches or suggests a gradual phase shift. Cotton teaches immediate phase shifting to lock the phase of the VCXO to the phase of the input signal. Therefore, the cited reference does not teach or suggest each element of the claims. For at least this reason, claims 1 and 5, as well as claims 2-4 which depend from claim 1, are patentable over the cited reference. The Applicant requests withdrawal of the rejection of these claims.

Moreover, the dependent claims include further reasons for patentability. As an example, claim 4 recites a phase adjuster unit "for providing a feedback timing signal that indicates a gradual phase shift of the second timing signal ... and continues the gradual phase shift as long as the first timing signal and the second timing signal are detected as being out of phase...." Cotton does not teach or suggest such a phase adjuster unit. The Office Action appear to identify the item in Cotton identified by reference numeral 106 as the phase adjuster unit. Cotton is clear that item 106 is a divide-by-four circuitry. (Col. 11, lines 46-50 and Figures 4D-1.) Item 106 of Cotton divides the frequency of the VCXO 100 by four. There is no indication in Cotton that item 106 is a phase adjuster unit. Accordingly, Cotton does not teach or suggest this claim element. For this additional reason, the Applicant respectfully submits that claim 4 is patentable over the cited reference and requests withdrawal of the rejection of claim 4.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By 
Bruce E. Black

Registration No.: 41,622
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(206) 262-8900
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant